

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MACK BUTLER, DASHAUN SIMS, CLYDE
LOFTON, PAUL ALVER, KEVIN KING, and
RICKEY LYNCH, on behalf of themselves and all
others similarly situated,

Plaintiffs,

- against -

SUFFOLK COUNTY,

Defendant.

Case No. 11-cv-02602 (AYS)

~~PROPOSED~~ ORDER PRELIMINARY APPROVING
THE CLASS ACTION SETTLEMENT

Upon reviewing the parties proposed Settlement Agreement (the "Settlement"), and adopting the terms used therein, and the matter having come before the Court, based on the foregoing, the Court's proceedings, and the Plaintiffs' Motion for Preliminary Approval of the Settlement it is hereby **ORDERED, ADJUDGED, AND DECREED** as follows:

1. **Jurisdiction.** The Court has jurisdiction to enter this Order. The Court expressly retains exclusive and continuing jurisdiction over the Settlement, the Parties to the Settlement, Class Members, and anyone else who appeared before this Court for all matters relating to the Settlement for any reasonably necessary purpose.
2. **Preliminary Findings Regarding Settlement.** The Court preliminarily finds that the Settlement resulted from arms' length negotiations and is sufficient to warrant the appointment of the Claims Administrator, the distribution by mail and otherwise of the Notice of the Settlement to Class Members, and a full hearing on the Settlement.
3. **Final Approval Hearing.** A hearing will be held at 11 o'clock ~~AM~~ on 11/3, 2025 ("Final Approval Hearing"), in the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, in Courtroom 840 to determine (a) whether the settlement of the class action should be approved as fair, reasonable and adequate; (b) whether members of the Class should be bound by the Release set forth in the Settlement; and (c) whether the application of Class Counsel for certain costs should be granted. A Motion for Final Approval of the Settlement including any final submission in support of the Settlement shall be filed by 10/9/25. Any member of the Class who does not exclude themselves from the Settlement may appear and be heard at the Final Approval Hearing.

4. **Notice to the Class.** The Notice to the Class shall be disseminated as set forth in the Settlement.
5. **Findings Concerning Notice.** The Notice to be given in the form and manner provided in Paragraph 4 of this Order is the best practicable notice and is reasonably calculated, under the circumstances, to apprise the members of the Class (a) the status of the Action; (b) of their right to exclude themselves from the proposed Settlement; (c) that any judgment, whether favorable or not, will include all members of the Class who do not request exclusion; and (d) that any member of the Class who does not request exclusion may object to the Settlement and, if they desire, enter an appearance either personally or through counsel. The Court notes that the Notice and Summary Notices are written in simple English, finds such notice to be reasonable and to constitute due, adequate, and sufficient notice to all persons entitled to be provided with such notice, and finds that it meets the requirements of the United States Constitution, the Federal Rules of Civil Procedure, and the Local Rules for the United States District Courts for the Southern and Eastern Districts of New York.
6. **Exclusion from the Class.** Any member of the Class who wishes to be excluded from the Class must mail a written request, postmarked, or emailed no later than 9/9/25 to the Claims Administrator, as provided in the Settlement. The request for exclusion need not be in any form but must include the following information: (1) the Class Member's name, address, and telephone number; (2) the Class Member's date of birth; (3) the Class Member's signature; and (4) a written statement that the Class Member wishes to be excluded from the Class.
7. **Objections.** Any member of the Class who has not filed a timely written request for exclusion and who wishes to object to the fairness, reasonableness, or adequacy of the Settlement, must file a written statement of objection no later than 9/9/25 with the Court, at 100 Federal Plaza, Central Islip, New York, 11722, under docket *Butler et al. v. Suffolk County*, No. 11-cv-02602 (AYS).

A written objection must contain:

- (i) a heading that refers to this Action by case name and case number;
- (ii) the specific legal and factual basis for each objection, and whether the objection applies to the objector, a specific subset of a Class or the entire Class;
- (iii) a statement of whether the objector intend to appear at the Fairness Hearing, either in person or through a lawyer and, if through a lawyer, a statement identifying the lawyer by name, address, email address, and telephone number;
- (iv) a description of any and all evidence the objector may offer at the Fairness Hearing, including but not limited to the names, addresses, and expected testimony of any witnesses; all exhibits intended to be introduced at the Fairness Hearing; and documentary proof of the objector's membership in the Class;
- (v) the objector's time of incarceration within the SCCF during the class period; and

(vi) a list of other cases in which the objector and, if applicable, the objector's attorney(s) have appeared either as an objector or counsel for an objector in the last five years.

Any member of the Class who files and serves a written objection may, but is not required to, appear at the Final Approval Hearing, either in person or through counsel retained at the Class Member's expense.

8. **Summary of Deadlines.** The Settlement, as preliminarily approved in this Order, shall be administered according to its terms pending the Final Approval Hearing. Deadlines arising under the Settlement and this Order include but are not limited to the following:

ACTION	DEADLINE
Disseminating and publishing Notice	[60 days after the date of this Order.] 7/28/25
Object to the Settlement or Opt Out from the Settlement	[105 days after the date of this Order] 9/9/25
Motion for Final Approval; Motion for Reimbursement of Class Counsel Expenses	[135 days after the date of this Order] 10/9/25
Final Approval Hearing	[At the Court's convenience, and at least 160 days from the date of this Order] 11/3/25
Submit Claim Form	[190 days after the date of this Order] 12/3/25

9. **Claims Administrator.** Kroll Settlement Administration LLC is hereby appointed as the Claims Administrator, and shall operate in accordance with the Settlement.

DATED: May 27, 2025

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HON. ANNE Y. SHIELDS
United States Magistrate Judge